

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, June 18, 2003**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, June 18, 2003, at 3:30 p.m. in the Council Chambers at the Stryker Building.

CALL TO ORDER and ATTENDANCE

Chairman Freiling called the meeting to order. Present in addition to Mr. Freiling were Commissioners Friend, Young, McBeth, and Hertzler who arrived after the minutes were approved. Commissioners Smith and Pons were absent. Also present were Planning Director Nester and Secretary Scott. City Attorney Phillips and Zoning Administrator Murphy were absent.

MINUTES

Mr. Friend moved that the minutes of the May 14 regular meeting be approved. Mrs. McBeth seconded the motion which carried by roll call vote of 4-0.

CONSENT AGENDA

There were no cases on the consent agenda this month.

PUBLIC HEARINGS

PCR #03-09: Request of Ditlef Olsen to rezone approximately 3.35 acres of land located at 222 Parkway Drive and 300 Third Street from B-3 General Business District to RM-2 Multi-Family Dwelling District. This area is designated as General Commercial land use in the 1998 Comprehensive Plan. It is proposed to construct a three story condominium building. The proposed rezoning would permit 46 units, and the applicant intends to propose vacating (and rezoning) the adjacent Third Street right-of-way, which would allow up to 54 units. A motion to recommend denial of the request failed on a tie vote of 2-2-1. The Planning Commission therefore had no recommendation for City Council on this case.

Mr. Nester reviewed the memorandum dated June 11, 2003, in which it is noted that if approved, this project would be the highest density allowed, 14 units per net developable acre. The *Comprehensive Plan* states that "No new multi-family, high density residential projects should be developed within the City," and notes that multi-family and high density attached housing comprise 38% of the City's housing stock, while the regional average was only 14%. Presently, there is no vacant RM-2 property in the City. The *Plan's* vision for this area is for Second Street, Penniman Road and Parkway Drive between Second Street and the Colonial Parkway to remain a General Commercial land use area.

Mr. Nester added that in comparison to the City's 38%, James City County has 12% multi-family and high density attached housing and York County has 10%. Bristol Commons was the last high density project in the City with the Wyndham and Claiborne projects being lower with 8 units per developable acre.

The current zoning, B-3, allows uses such as banks, convenience stores, hotels/motels and timeshare units, offices, restaurants, retail sales establishments and service stations. Multifamily dwellings at a density of 14 units per net acre are allowed, provided that not more than 50% of the gross area of a building is devoted to multifamily use.

Commission comments included:

- It is understandable why such a development would be proposed in this location; it's a beautiful area.
- This location had been zoned business rather than residential because it is contiguous to Second Street corridor and Parkway and it was logical to draw the line at that point. A zoning peninsula or "spot zoning" would be created if this request is approved.

Chairman Freiling opened the public hearing.

Rich Costello with AES Consulting Engineers, representing the applicant Ditlef Olsen, said he'd like the Commission to take into consideration that other projects would probably remove a lot more trees and not have the buffer this one proposes. There is an open BMP area in the center of the structure which creates a nice courtyard.

G. T. Brooks, Brooks and Hall, owns the property which is under contract to Mr. Olsen. Mr. Brooks noted that the property had been for sale zoned multifamily and there were no offers for 15 years. Now the zoning has been changed to Commercial and there is an offer for multifamily. He added that he does not visualize a project with a store below a housing unit.

Ditlef Olsen, applicant, stated that the proposed units will be for sale, not for rent, the units will be from 1200 square feet for a one bedroom unit to 2400 square feet for the largest unit, that the sale price will be between \$220,000 and \$300,000, and at this time, there are no details regarding guidelines to prevent rentals. It was noted that if more than 20% of the units are rentals, the ability to obtain a mortgage loan is compromised. Mr. Olsen stated that he has no interest in renting out units and would be glad to proffer a rental limitation. Mr. Costello said, prior to City Council presentation, he will investigate other college towns and the percentage of rental housing available in them.

Russ Hannula, 401 Zelkova Road, representing the residents of Wyndham, said the residents of this adjacent property oppose the rezoning. They are content with the current B-3 zoning designation and realize that with this business designation, motels, time shares, and mini-storage units are allowed, among other uses.

Cathy Short, 432 Zelkova Road, stated that her main concern is the possibility of the project turning into a rental complex which would change and charm and diversity of the area.

Henry Schutz, 416 Zelkova Road, said that traffic is already at a dangerous level and, of course even more cars would come with rentals, particularly college rentals.

There being no additional comment the public hearing was closed.

Commissioner Friend stated that he will recuse himself from discussion and voting on this issue since he's been in the area since 1915 and has friends and family on both sides of the issue.

Discussion points among Commission members included:

- Square footage of proposed units was questioned and clarified that the specific proposal associated with this rezoning is a 54-unit complex, and unit size is not a zoning issue.
- Some Commissioners would personally prefer residential over commercial zoning in this particular location due to the allowable uses under the B-3 zoning district. Many of the uses would be more intrusive and bring more traffic than a residential usage.
- Torn with the beautiful area that would be great for residential, but possibility of rental usage is a major concern.
- Applaud the applicant's efforts and proffers for green buffers, underground parking to preserve the green space, and restriction of rentals. A compelling case has not been presented. Incompatible with the surrounding area, and does not comply with the Comprehensive Plan.

Mr. Young moved that the Commission table the request to rezone so that additional information regarding rental, proffers, and traffic can be gathered by the applicant.

Mr. Hertzler seconded the motion which failed on a tie vote of 2-2-1.

Recorded vote on the motion:

Aye:	Young, Hertzler
No:	Freiling, McBeth
Abstain:	Friend
Absent:	Smith, Pons

Mrs. McBeth moved that the Planning Commission recommend to City Council that the request to rezone 3.35 acres of land from B-3 to RM-2 be denied, for the reason that it does not comply with the land use recommended for this area by the 1998 Comprehensive Plan.

Mr. Freiling seconded the motion which failed on a tie vote of 2-2-1. The request for rezoning will go before the City Council with no recommendation from the Planning Commission.

Recorded vote on the motion:

Aye:	Freiling, McBeth
No:	Young, Hertzler
Abstain:	Friend
Absent:	Smith, Pons

Chairman Freiling addressed the audience stating that the Planning Commission will be beginning the process of updating the Comprehensive Plan in the near future. He said citizen involvement is critical in the process, and encouraged active participation.

OPEN FORUM

Chairman Freiling opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

Cynthia Cashore, 208 Holly Hills Drive, said it was unfortunate that two members of the Commission were absent today and one recused himself from the vote. She wondered how the three would have voted. Mr. Freiling noted that to recuse oneself **is** a vote.

There being no additional comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS - None

OLD BUSINESS – None

NEW BUSINESS – None

OTHER - None

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

PUBLIC HEARINGS SCHEDULED FOR JULY 16, 2003 – None

Mr. Nester noted that there will be a public hearing for the August 20 meeting.

The meeting adjourned at 4:45.

Paul Freiling, Chairman
Williamsburg Planning Commission